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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/683,885
Filing Date: February 27, 2002
Appellant(s): ROWSE ET AL.

Benjamin C. Stasa
Reg. No. 55,644
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 7/8/2008 appealing from the Office action mailed 2/11/2008.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences, which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal, is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Claimed Subject Matter*

The summary of invention contained in the brief is correct.

(6) *Grounds of Rejection to be Reviewed on Appeal*

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Bunte et al. (US 6,330,975 B1)

Xactware (www.xactware.com, retrieved from the Internet Archive Wayback Machine <www.archive.com>, 6/29/1998)

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. **Claims 1, 3-5, 7, and 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bunte et al. (US 6,330,975 B1) in view of Xactware (www.xactware.com, retrieved from the Internet Archive Wayback Machine <www.archive.com>, 6/29/1998).**
3. As per **independent Claim 1**, **Bunte** discloses a method for transmitting digital media between remote computers via a communication network, the method comprising: capturing at least one digital image of an item with a digital camera

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device (photo image capture, C1 L31-42); capturing a barcode with a barcode scanning device wherein the barcode identifies the item (coded image capture, C1 L31-42); automatically downloading the captured digital image(s) and the scanned barcode into a first computer upon establishing operable communication between the first computer and the digital camera device and the barcode scanning device, respectively (terminal or host unit, C3 L7-17); and transmitting the at least one digital image and barcode from the first computer to a second computer via a communication network (C8 L40-51; wired or wireless link, C3 L42-51, C5 L50-53, C7 L6-15; Fig.3, Fig.9).

4. Bunte fails to expressly disclose inputting/receiving a first dialog associated with the digital image(s) and barcode into the first computer and transmitting the first dialog to the second computer.
5. However, Xactware discloses a claim handling system wherein claim information is inputted into a computerized product concern form (pgs.6-7, Xactimate), and wherein the agent can correspond with insurance offices or central offices through the network messaging (pgs. 2-3, pgs. 6-7, Xactnet).
6. Furthermore, Official Notice is taken that Chat Technology or direct network dialog technology was well known at the time the invention was made as a form of network messaging.
7. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included disclose inputting/receiving a first dialog associated with the digital image(s) and barcode into the first computer

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and transmitting the first dialog to the second computer, as disclosed by Official Notice and Xactware, in the system disclosed by Bunte, for the advantage of providing a customer concern handling system/method, with the ability to increase system efficiency/effectiveness by incorporating multiple types of electronic forms and electronic communication formats in the concern handling process

8. As per **independent Claim 7**, **Bunte** discloses A system for transmitting digital media between remote computers via a communication network, the system comprising a first computer configured to: (i) receive at least one digital image file from a digital camera device wherein the image file is received automatically upon establishing operable communication between the first computer and the digital camera device (photo image capture, C1 L31-42); (ii) receive a barcode from a barcode scanning device identifying the at least one digital image file wherein the barcode is received automatically upon establishing operable communication between the first computer device and the barcode scanning device (coded image capture, C1 L31-42); and (iii) transmit the at least one digital image and barcode to a second computer via a communication network (C8 L40-51; wired or wireless link, C3 L42-51, C5 L50-53, C7 L6-15; Fig.3, Fig.9).
9. Bunte fails to expressly disclose inputting/receiving a first dialog associated with the digital image(s) and barcode into the first computer and transmitting the first dialog to the second computer.

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10. However, Xactware discloses a claim handling system wherein claim information is inputted into a computerized product concern form (pgs.6-7, Xactimate), and wherein the agent can correspond with insurance offices or central offices through the network messaging (pgs. 2-3, pgs. 6-7, Xactnet).
11. Furthermore, Official Notice is taken that Chat Technology or direct network dialog technology was well known at the time the invention was made as a form of network messaging.
12. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included disclose inputting/receiving a first dialog associated with the digital image(s) and barcode into the first computer and transmitting the first dialog to the second computer, as disclosed by Official Notice and Xactware, in the system disclosed by Bunte, for the advantage of providing a customer concern handling system/method, with the ability to increase system efficiency/effectiveness by incorporating multiple types of electronic forms and electronic communication formats in the concern handling process
13. As per Claims 3 and 9, Bunte and Xactware disclose wherein the first and second computer are each programmed to generate a graphical user interface for presenting the digital image(s), barcode and dialog (pgs. 2-3, pgs. 6-7, Xactnet).
14. As per Claims 4 and 10, Bunte and Xactware disclose inputting a second dialog at the second computer in response to the digital image(s), barcode and first

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dialog input at the first computer; and transmitting the second dialog to the first computer (pgs. 2-3, pgs. 6-7, Xactnet).

15. As per Claims 5 and 11, Bunte and Xactware disclose archiving, in a computer database, the digital image(s), barcode and dialog transmitted between the first and second computers (pgs. 2-3, pgs. 6-7, Xactnet).

16. As per Claim 12, Bunte and Xactware disclose wherein the second computer is a server computer operably serving a plurality of client computers wherein the server computer is configured to route incoming transmissions to the client computers based on a priority indicator such that incoming media having an active priority indicator are routed to a client computer before incoming media having an inactive priority indicator (pgs. 2-3, pgs. 6-7, Xactnet).

17. As per Claim 13, Bunte and Xactware disclose wherein the second computer is a server computer operably serving a plurality of client computers wherein the server computer is configured to route incoming transmissions to the client computers based on a distribution algorithm wherein transmissions that are not viewed at one client computer within a predefined amount of time are rerouted to another client computer (pgs. 2-3, pgs. 6-7, Xactnet).

18. As per Claim 14, Bunte and Xactware disclose wherein the second computer is a server computer operably serving a plurality of client computers wherein the server computer is configured to route incoming transmissions among the plurality of client computers based on language of the transmission (pgs. 2-3, pgs. 6-7, Xactnet).

19. **Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bunte in view of Chainer (US 6,397,334 B1).**

20. As per Claim 6, Bunte discloses watermarking the image(s) with the barcode.

21. However, Chainer discloses watermarking an identifier onto the at least one digital image (C4 L49-52).

22. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included watermarking an identifier onto the at least one digital image as disclosed by Chainer, in the system disclosed by Bunte, for the advantage of providing a system for processing and *uniquely* tracking a multitude of product concerns.

23. **Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bunte in view of Chainer, and further in view of Xactware.**

24. As per **independent Claim 15**, Bunte discloses a method for processing a claim, the method comprising: capturing at least one digital image of an item related to a customer concern with a digital camera device (photo image capture, C1 L31-42); scanning a barcode identifying the vehicle with a barcode scanning device (coded image capture, C1 L31-42); docking (initiating electronic communication) the digital camera device and the barcode scanning device into a portable data acquisition unit establishing operable communication between the digital camera device, the barcode scanning device and a first computer within the portable data acquisition unit wherein the first computer is programmed to automatically

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receive the captured images and barcode (C8 L40-51; wired or wireless link, C3 L42-51, C5 L50-53, C7 L6-15; Fig.3, Fig.9).

25. Bunte fails to expressly disclose a vehicle warranty concern.

26. Chainer discloses processing automotive insurance inquiries through the use of an image/identification system (C1 L10-15); and while Chainer does not expressly disclose using the system for a vehicle warranty concern, it would be obvious to one of ordinary skill in the art at the time the invention was made to include a vehicle warranty concern in this group, as it would be a common form of product investigation.

27. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included processing a vehicle warranty concern, as disclosed by Chainer, in the system disclosed by Bunte, for the advantage of providing a system for processing a multitude of concerns, in order to increase the system customer base.

28. Bunte and Chainer fail to expressly disclose wherein the information relating to the vehicle warranty concern is received at the first computer into a computerized product concern form wherein the concern form is a claim approval request screen that includes a dialog portion for carrying on a dialog with a remote claim reviewer at a second computer device.

29. However, Xactware discloses a claim handling system wherein claim information is inputted into a computerized product concern form (pgs.6-7, Xactimate), and

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wherein the agent can correspond with insurance offices or central offices through the network messaging (pgs. 2-3, pgs. 6-7, Xactnet).

30. Furthermore, Official Notice is taken that Chat Technology or direct network dialog technology was well known at the time the invention was made as a form of network messaging.

31. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the information relating to the vehicle warranty concern is received at the first computer into a computerized product concern form wherein the concern form is a claim approval request screen that includes a dialog portion for carrying on a dialog with a remote claim reviewer at a second computer device, as disclosed by Official Notice and Xactware, in the system disclosed by Bunte, for the advantage of providing a customer concern handling system/method, with the ability to increase system efficiency/effectiveness by incorporating multiple types of electronic forms and electronic communication formats in the concern handling process

32. As per **independent Claim 16**, Bunte discloses a system for processing an claim, the system comprising: a first computer configured to: (i) receive and display at least one digital image file from a digital camera device illustrating a customer concern for a object/product where the at least one image file is received automatically upon establishing operable communication between the first computer and the digital camera device (photo image capture, C1 L31-42); (ii) receive and display a barcode from a barcode scanning device identifying the

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object/product wherein the barcode is received automatically upon establishing operable communication between the first computer and the barcode scanning device (coded image capture, C1 L31-42); and (iv) transmit the at least one digital image file, barcode and request for information to a second computer via a communication network (C8 L40-51; wired or wireless link, C3 L42-51, C5 L50-53, C7 L6-15; Fig.3, Fig.9)..

33. Bunte fails to expressly disclose a vehicle warranty concern.

34. Chainer discloses processing automotive insurance inquiries through the use of an image/identification system (C1 L10-15); and while Chainer does not expressly disclose using the system for a vehicle warranty concern, it would be obvious to one of ordinary skill in the art at the time the invention was made to include a vehicle warranty concern in this group, as it would be a common form of product investigation.

35. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included processing a vehicle warranty concern, as disclosed by Chainer, in the system disclosed by Bunte, for the advantage of providing a system for processing a multitude of concerns, in order to increase the system customer base.

36. Bunte and Chainer fail to expressly disclose wherein the information relating to the vehicle warranty concern is received at the first computer into a computerized product concern form wherein the concern form is a claim approval request

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screen that includes a dialog portion for carrying on a dialog with a remote claim reviewer at a second computer device.

37. However, Xactware discloses a claim handling system wherein claim information is inputted into a computerized product concern form (pgs.6-7, Xactimate), and wherein the agent can correspond with insurance offices or central offices through the network messaging (pgs. 2-3, pgs. 6-7, Xactnet).

38. Furthermore, Official Notice is taken that Chat Technology or direct network dialog technology was well known at the time the invention was made as a form of network messaging.

39. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the information relating to the vehicle warranty concern is received at the first computer into a computerized product concern form wherein the concern form is a claim approval request screen that includes a dialog portion for carrying on a dialog with a remote claim reviewer at a second computer device, as disclosed by Official Notice and Xactware, in the system disclosed by Bunte, for the advantage of providing a customer concern handling system/method, with the ability to increase system efficiency/effectiveness by incorporating multiple types of electronic forms and electronic communication formats in the concern handling process.

(10) Response to Arguments

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40. The Appellant has made the argument that the prior art of Xactware from the Internet Archive is not a valid form of prior art.

41. However, the Internet Archive is a tool used to access internet pages that were published and publically-accessible in the well documented past; the availability of the archive tool has nothing to do with the content that is provided – and used as prior art. The web page (and date published) is meant to serve as prior art – not the internet archive.

42. The Appellant has also made the argument that the Official Notice taken in regards to the use of chat technology was improper.

43. However, both Bunte and Xactware disclose communicating and transmitting information electronically between computers/computer equipment (Bunte: C8 L40-51; wired or wireless link, C3 L42-51, C5 L50-53, C7 L6-15; Fig.3, Fig.9), and the Official notice is meant to serve as notification that Chat technology was well known at the time the invention was made and could have been obviously incorporated in the systems of Bunte and Xactware as a form of electronically communicating information. Furthermore, the prior art would have been an advancement to the instant invention, allowing information/processing directions to be automatically transmitted, eliminating the chance of sending the wrong or confusing manually inputted processing directions.

(11) Related Proceeding(s) Appendix

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No decision rendered by a court or the Board is identified by the Examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Jonathan Ouellette/

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